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**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

IN RE:)	
)	
CIRCUIT CITY STORES, INC.)	Case No. 08-35653-KHR
)	
Debtor.)	
_____)	

**RESPONSE TO DEBTOR'S OBJECTIONS TO
CLAIM OF JLG INDUSTRIES, INC.,
AND REQUEST FOR HEARING**

JLG Industries, Inc. ("JLG"), by counsel, hereby sets forth its Response to the Debtors' Thirty Fourth Omnibus Objection to Claims (Modification of Certain Duplicate 503(b)(9) Claims), and requests a hearing, as follows:

1. On December 16, 2008, JLG filed Claim No. 929, in the amount of \$105,543.41, as a general unsecured claim.
2. Also on December 16, 2008, JLG filed Claim No. 930, in the amount of \$14,403.32, as a Section 503(b)(9) administrative claim.
3. On August 21, 2009, the Debtors filed their Thirty Fourth Omnibus Objection to Claims (Modification of Certain Duplicate 503(b)(9) Claims), as Docket No. 4598.

4. In the Objections, the Debtors basically object to the fact that the JLG (and other) claims are duplicate of each other – that is, the \$14,403.32 asserted in the Section 503(b)(9) claim also is included in the amount of the unsecured claim.

5. The Debtors are correct, that the amount claimed in the Section 503(b)(9) claim also is included in the unsecured claim.

6. However, the Debtors' Motion also states that "the claims that are the subject of this Objection may be the subject to [sic] additional subsequently filed objections," (Objections, ¶ 15), and that the "the Debtors reserve the right to further object to any and all claims, whether or not the subject of this Objection..." (Objections, ¶ 16).

7. While the Debtors are correct that the amount stated in the JLG Section 503(b)(9) claim also is included in JLG's general, unsecured claim, the Debtors are essentially putting the cart before the horse here. The amount of the Section 503(b)(9) claim (\$14,403.32) should be deducted from the general unsecured claim only if and when the Section 503(b)(9) claim is allowed as an administrative claim and paid.

8. Otherwise, given the Debtors' reservation of rights to object further to these claims as noted above, JLG's unsecured claim could be reduced by the amount of the Section 503(b)(9) claim, and the Debtors could then object to the Section 503(b)(9) claim, for whatever reason. In that event, if the Debtors were successful on a subsequent objection to the Section 503(b)(9) claim, the amount of \$14,403.32 would be included in *neither* claim, and potentially would be lost.

Conclusion

For the foregoing reasons, JLG Industries, Inc. requests: (a) that its general unsecured claim not be reduced, unless and until its Section 503(b)(9) claim is finally allowed and paid; and (b) that the Court schedule a hearing on the foregoing Response.

Respectfully submitted,

JLG Industries, Inc.
By Counsel

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By: /s/ Brian F. Kenney
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CERTIFICATE OF SERVICE

I hereby certify that I caused to be served via United States Postal Service, first class postage pre-paid, a true and accurate copy of the foregoing **Response to Debtor's Objections to Claim of JLG Industries, Inc., and Request for Hearing**, on September 1, 2009, to the following:

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